

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GINA SPEARMAN,

Plaintiff,

v.

BROKER SOLUTIONS, INC. d/b/a
NEW AMERICAN FUNDING,

Defendant.

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Civil Action No. _____

PETITION FOR REMOVAL

TO: The Judges of the United States District Court, Northern District of Georgia

The Petition of Defendant Broker Solutions, Inc. d/b/a New American Funding (“Defendant”) respectfully shows the Court as follows:

1. A civil action has been brought against Defendant in the State Court of Fulton County, State of Georgia, by the above-named Plaintiff, said action being designated as Civil Action No. 20EV006633 in which Plaintiff is seeking damages in excess of \$75,000.00, exclusive of post-judgment interest and costs.

2. Plaintiff was, at the time of the commencement of this action, and, upon information and belief, at all times since the filing of this action, has been a citizen and resident of the State of Georgia. (*See* Exhibit A at ¶ 1.)

3. Defendant is now, was at the time of the commencement of this lawsuit, and at all times since the filing of this action, has been a corporation organized and existing under the laws of the State of California. (*See* Exhibit A at ¶ 2.)

4. Defendant's principal place of business is located in Tustin, California. (*See id.*)

5. Defendant is a resident of California.

6. Defendant attaches the following exhibits, which were filed in this matter and constitute the record of this matter in the State Court of Fulton County:

Exhibit A: Plaintiffs' Complaint;

Exhibit B: General Civil/Dom Relations Case Filing Form (state court);

Exhibit C: Summons to the Defendant;

Exhibit D: Defendant's Acknowledgement of Service of Process;

Exhibit E: Notice of Removal

7. Now, within thirty (30) days after receiving notice of Plaintiff's Complaint (Exhibit A), Defendant has filed this Petition for Removal of said action to this Honorable Court. This removal is timely because it has been filed within thirty (30) days of November 9, 2020, the date on which Plaintiff first provided counsel for Defendant with a courtesy copy of this Complaint in which Plaintiff pled a claim for alleged damages in excess of seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs.

8. This action could have originally been brought in this Court under 28 U.S.C. § 1332, because Plaintiff and Defendant are completely diverse, and Plaintiff pled an amount in controversy exceeding seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs. (*See* Exhibit A at ¶¶ 1-2, 32-33.)

9. As between the Plaintiff and Defendant, there exists complete diversity of citizenship under 28 U.S.C. § 1332(a).

10. Pursuant to 28 U.S.C. § 1441, et seq., this action is removable by reason of diversity of citizenship, there being more than \$75,000.00 in controversy, exclusive of interest and costs.

11. Defendant is simultaneously filing a Notice of Removal in the State Court of Fulton County, State of Georgia. A copy of the Notice being filed with the State Court of Fulton County is attached hereto as Exhibit E.

WHEREFORE, Defendant files this Petition for Removal of said case to this Court.

Respectfully submitted, this the 9th day of December, 2020.

/s/ Henry M. Perlowski
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Counsel for Defendant

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), the undersigned certifies that this Petition for Removal has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C), namely, Book Antiqua (13 point).

Respectfully submitted, this the 9th day of December, 2020.

/s/ Henry M. Perlowski
Henry M. Perlowski
Georgia Bar No. 572393

